

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

)
CORBET BULIE;)
)
)
Plaintiff,)
)
)
v.) **No. 07 C 831**
)
THE VILLAGE OF RIVERDALE, A) **Judge Norgle**
Municipal Corporation; and Riverdale) **Magistrate Judge Mason**
Police Officers MARK KOZELUH, Star)
143; and Unknown Police Officers John)
Does and Jane Roes 1-10;)
)
Defendants.)

DEFENDANTS' SECOND MOTION TO COMPEL DISCOVERY

Defendants, the Village of Riverdale, in its official capacity, and Officer Mark Kozeluh, in his individual capacity, by their attorneys Tribler Orpett & Meyer, P.C. respectively move for an order compelling Plaintiff to comply with outstanding written discovery pursuant to this Court's February 8, 2008 Order or dismiss this case for want of prosecution. In support thereof, Defendants state as follows:

1. Plaintiff filed a complaint alleging violations of his civil rights pursuant to Section 1983. Plaintiff alleges the following Section 1983 violations against Officer Kozeluh: Count I - False Arrest/Imprisonment, Count II - Excessive Force, and Count III - Illegal Search of Vehicle. Plaintiff alleges a *Monell* claim in Count IV of his complaint against the Village of Riverdale. Plaintiff further alleges the following pendent state law claims: Count V - Intentional Infliction of Emotional Distress, Count VI - Respondeat Superior, and Count VII - Indemnification. (See Plaintiff's Complaint attached as Exhibit A.)

2. On October 23, 2007, Defendants propounded written discovery upon Plaintiff consisting of interrogatories and a request for production of documents.

3. On December 7, 2007, Defendants contacted Plaintiff pursuant to Local Rule 37.2 regarding Plaintiff's outstanding written discovery. Defendants were advised that Plaintiff would comply with written discovery by December 20, 2007. Defendants sent correspondence to Plaintiff's counsel confirming said conversation and date. (See Exhibit B, December 7, 2007 correspondence.)

4. On January 22, 2008, Defendants sent another letter pursuant to Rule 37.2 requesting Plaintiff's compliance with outstanding written discovery. (See Exhibit C, January 22, 2008 correspondence.)

5. On September 10, 2007, this Court ordered fact discovery to be completed by February 13, 2008 and set this case for trial on March 25, 2008.

6. On February 8, 2008, this Court granted Defendant's Motion to Compel and extend discovery ordering Plaintiff to comply with outstanding written discovery within seven days or by February 15, 2008. (See Exhibit D, February 8, 2008 Order.)

7. Defense counsel contacted Plaintiff's counsel pursuant to Local Rule 37.2 in an effort to secure outstanding written discovery. (See Exhibit E, February 21, 2008 correspondence.)

8. To date, Plaintiff's written discovery remains outstanding.

9. Defendants are prejudiced due to Plaintiff's failure to comply with written discovery. Defendants cannot proceed with Plaintiff's deposition until Plaintiff complies with written discovery.

10. Defendants respectfully request this Court enter an order compelling Plaintiff to comply with this Court's February 8, 2008 order and/or dismiss this case for want of prosecution.

WHEREFORE, Defendants the Village of Riverdale, in its official capacity, and Officer Mark Kozeluh, in his individual capacity, respectfully request this Honorable Court to enter an order compelling Plaintiff to comply with this Court's February 8, 2008 Order or dismiss this case for want of prosecution, and any further relief this Court deems fair and just.

Respectfully Submitted,

s/ William B. Oberts
One of the attorneys for Defendants

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CERTIFICATE OF SERVICE

The undersigned attorney states that a copy of **Defendants' Second Motion to Compel Discovery** was served on:

Attorneys for Plaintiff

Lawrence V. Jackowiak, Esq.
Law Offices of Lawrence V. Jackowiak
20 North Clark Street, Suite 1700
Chicago, IL 60602

by electronic service via the Court's ECF System on or before 5:00 p.m. on February 26, 2008.

s/ William B. Oberts

One of the attorneys for Defendants
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